

1 Daniel M. Hattis (SBN 232141)
2 Paul Karl Lukacs (SBN 197007)
3 Che Corrington (*admitted pro hac vice*)
HATTIS & LUKACS
4 11711 SE 8th Street, Suite 120
Bellevue, WA 98005
5 Telephone: (425) 233-8650
Facsimile: (425) 412-7171
6 Email: dan@hattislaw.com
Email: pk1@hattislaw.com
Email: che@hattislaw.com

7 *Attorneys for Plaintiffs and the Proposed Class*

8 Shon Morgan (SBN 187736)
9 QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
10 Telephone: (213) 443-3000
Facsimile: (213) 443-3100
11 Email: shonmorgan@quinnemanuel.com

12 *Counsel for Defendants Cellco Partnership*
d/b/a Verizon Wireless and Verizon Communications Inc.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 TERESA MACCLELLAND, *Et Al.*,
17 For Themselves, As Private Attorneys
General, and On Behalf Of All Others
18 Similarly Situated,

19 v. Plaintiffs,
20 CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS; and
21 VERIZON COMMUNICATIONS INC.,

23 Defendants.

Case No. 3:21-cv-08592-EMC

JOINT STATUS REPORT

[Hon. Edward M. Chen]

Further Status Conference

Date: July 30, 2024

Time: 2:30 p.m.

Courtroom: By Zoom

JOINT STATUS REPORT

Pursuant to this Court’s Clerk’s Notice Rescheduling Status Conference dated May 22, 2024 (Dkt. 121), Plaintiffs Teresa MacClelland, *et al.* (collectively, “Plaintiffs”), and Defendants Celco Partnership d/b/a Verizon Wireless and Verizon Communications Inc. (collectively, “Verizon”) hereby submit this Joint Status Report:

Plaintiffs and Verizon respectfully request that this Court reschedule the upcoming Status Conference to a date at least 180 days after the currently scheduled date (which is July 30, 2024). This 180-day extension mirrors the length of the extension recently ordered by the Ninth Circuit in the appeal of this civil action. Dkt. No. 122.

The Ninth Circuit issued the 180-day extension of its current abeyance of appeal because, while the New Jersey Superior Court has granted final approval to a nationwide settlement that would resolve (among other claims) the claims filed in this civil action, that final approval order is currently the subject of appeals to the New Jersey Appellate Division.

See Ninth Circuit Joint Status Report, dated July 17, 2024 (attached hereto).

DENITTIS OSEFCHEN PRINCE, P.C.

By: /s/ Stephen P. DeNittis
Stephen P. DeNittis, Esq. (admitted *pro hac vice*)
DENITTIS OSEFCHEN PRINCE, P.C.
5 Greentree Centre, Suite 410
525 Route 73 N.
Marlton, New Jersey 08057
Telephone: (856) 797-9951
Email: sdenittis@denittislaw.com

Daniel M. Hattis (SBN 232141)
Paul Karl Lukacs (SBN 197007)
Che Corrington (admitted *pro hac vice*)
HATTIS & LUKACS
11711 SE 8th Street, Suite 120
Bellevue, WA 98005
Telephone: (425) 233-8650
Facsimile: (425) 412-7171
Email: dan@hattislaw.com

1 Email: pkl@hattislaw.com
2 Email: che@hattislaw.com

3 *Attorneys for Plaintiffs and the Proposed Class*

4 QUINN EMANUEL URQUHART & SULLIVAN, LLP

5 By: /s/ Shon Morgan

6 Shon Morgan (SBN 187736)
7 QUINN EMANUEL URQUHART & SULLIVAN, LLP
8 865 S. Figueroa Street, 10th Floor
9 Los Angeles, CA 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100
Email: shonmorgan@quinnemanuel.com

10 *Counsel for Defendants Cellco Partnership*
11 *d/b/a Verizon Wireless and Verizon Communications Inc.*

12
13 **CERTIFICATION UNDER CIVIL L.R. 5-1(h)(3)**

14 The filer of this document, Paul Karl Lukacs, hereby attests that each of the other
15 signatories has concurred in the filing of this document.

16 Dated: July 23, 2024

17 By: /s/ Paul Karl Lukacs

**In the United States Court of Appeals
for the Ninth Circuit**

No. 22-16020

TERESA MACCLELLAND, ET AL.,
APPELLEES

v.

CELLCO PARTNERSHIP; VERIZON
COMMUNICATIONS, INC., APPELLANTS

JOINT STATUS UPDATE

Pursuant to the Court's April 18, 2024 order, the parties write jointly to provide a status update.

On November 8, 2023, the parties entered into a \$100 million nationwide class settlement agreement in a separate action pending in the Superior Court of the State of New Jersey, captioned *Esposito v. Cellco Partnership d/b/a Verizon Wireless*, MID-L-006360-23 (N.J. Super.). Only 47 people, out of over 58 million class members, objected to the settlement. After conducting an extensive Fairness Hearing and a second hearing to follow up on arguments raised by the small number of objectors, the New Jersey Superior Court granted final approval to the settlement on April 26, 2024.

Thirteen unsuccessful objectors represented by two groups of attorneys have filed appeals challenging the Superior Court's order overruling their objections and granting final approval. Separately, an attorney purportedly representing a group of Verizon customers who the attorney claims wish to opt out of the settlement and pursue arbitrations against Verizon has appealed from the Superior Court's denial of his motions to intervene in the case and from the Superior Court's holding that some of the attorney's putative clients did not follow proper procedures to opt out of the settlement class.

The Appellate Division of the New Jersey Superior Court has set a briefing schedule on one appeal pursuant to which briefing will conclude in November 2024. It is likely, however, that the Appellate Division will enter a consolidated briefing schedule for all appeals and that its doing so will extend the briefing schedule into 2025. The parties expect the matter will be heard at oral argument by the Appellate Division in early 2025 and issue a decision in the second or third quarters of 2025. If the Superior Court's order granting final approval is affirmed and becomes final on appeal, the parties will move for voluntary dismissal of this appeal and the underlying case in the district court. If the settlement is not approved, the parties have agreed to cooperate in asking the Court to set a schedule for the resumption of this appeal.

The parties thus respectfully request that this case continue to be held in abeyance for an additional six months, at which point the parties will provide the Court with a further status update.

Respectfully submitted,

STEPHEN P. DENITTIS
DENITTIS OSEFCHEN, PC
5 Greentree Centre, Suite 410
Marlton, NJ 08054
(856) 797-9551

/s/ Kannon K. Shanmugam
KANNON K. SHANMUGAM
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
2001 K Street, N.W.
Washington, DC 20006
(202) 223-7300

JULY 17, 2024